

sufficient to confer jurisdiction upon this Court. Grounds for the alternative motion for dismissal or transfer are that HDMC had filed in the Eastern District of Wisconsin a complaint involving the same parties and substantially the same issues prior to Plaintiff St. Paul Motorsports, Inc. (“St. Paul”) filing its complaint in Minnesota state court, which case was then removed to this Court. There are no compelling circumstances that would justify departure from the general rule that, in cases of concurrent jurisdiction, the court in which jurisdiction first attaches is the court that should proceed to decide a dispute. Accordingly, St. Paul’s complaint before this court should be dismissed or the case should be transferred to the Eastern District of Wisconsin, where HDMC’s first-filed complaint is pending. Even in the absence of the application of the first-filed rule, transfer of venue to the Eastern District of Wisconsin is appropriate pursuant to the framework established by 28 U.S.C. § 1404(a).

Pursuant to Local Rule 7.1, this Motion is accompanied by a Memorandum of Law in Support of Motion to Dismiss or Transfer Venue, a Proposed Order, and Affidavits of Mike Kennedy and Adam E. Crawford, which are filed and served along with this Motion. This Motion is based on these accompanying papers and all of the files, records, and proceedings in this action.

Dated: November 10, 2011

Respectfully submitted,

/s Daniel A. Haws

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